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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/955,888      | 09/19/2001  | Yoichiro Sako        | 7217/65453          | 9847             |

7590 03/28/2005

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EXAMINER

PYZOCHA, MICHAEL J

| ART UNIT | PAPER NUMBER |
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2137

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/955,888

Applicant(s)

SAKO ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. Claims 1-37 are pending.

***Specification***

2. The disclosure is objected to because of the following informalities: page 16 line 15 Examiner believes "Fig. 1" should be "Fig. 3". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1-37 recite "the unit of data," it is unclear what this is referring to because the right information is being added to at least one of the plurality of pieces of input data. Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 15-18 (as best understood) are rejected under 35 U.S.C. 102(e) as being anticipated by Linnartz (US 6209092).

As per claim 1, Linnartz discloses adding right information containing at least copyright management information to at least one of a plurality of pieces of input data; and performing a signal process for the plurality of pieces of the input data in the unit of data to which the right information has been added so as to record the processed data to the record medium (see column 10 lines 50-67).

As per claim 2, Linnartz discloses performing an encrypting process for data to which the right information has been added

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in the unit of data to which the right information has been added (see column 5 lines 3-26).

As per claim 3, Linnartz discloses when the right information has been added in the unit of a plurality of pieces of the input data, the signal process for the plurality of pieces of the input data is performed in the unit of the plurality of pieces of the input data to which the right information has been added so as to record the processed data to the record medium (see column 10 lines 50-67).

As per claim 4, Linnartz discloses performing an encrypting process for a plurality of pieces of data to which the right information has been added in the unit of data to which the right information has been added (see column 5 lines 3-26).

As per claim 15, Linnartz discloses adding right information containing at least copyright management information to a plurality of pieces of input data in the unit of at least one of the plurality of pieces of the input data; performing an encrypting process for the data to which the right information has been added; adding right information containing at least copyright management information to the plurality of pieces of the data in the unit of the plurality of pieces of the data for which the encrypting process has been performed; performing an encrypting process for the data to which the right information

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has been added; performing a signal process for the plurality of pieces of the data for which the encrypting process has been performed; and recording the data for which the signal process has been performed to the record medium (see column 8 lines 25-58).

As per claims 16-18, Linnartz discloses reading at least key information from data that is read from the record medium; determining whether an encoding process containing at least an encrypting process has been performed for data that has been read from the record medium in the unit of at least one of a plurality of pieces of the data or an encoding process containing at least an encrypting process has been performed for the data that has been read from the record medium in the unit of the plurality of pieces of the data; decoding the plurality of pieces of data that has been read from the record medium in the unit of one of the plurality of the data using when the determined result at the key information determining step represents that the encoding process has been performed for the data that has been read from the record medium in the unit of one of the plurality of pieces of the data; and decoding the plurality of pieces of data that has been read from the record medium using the key information in the unit of the plurality of pieces of the data when the determined result at the determining

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step represents that the encoding process has been performed for the data that has been read from the record medium in the unit of the plurality of pieces of the data (see column 10 lines 1-49).

8. Claims 8-11 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (US 5513260).

As per claim 8, Ryan discloses performing an encrypting process for at least one of a plurality of pieces of input data; and performing a signal process for the plurality of pieces of the input data in the unit of data for which the encrypting process has been performed so as to record the processed data to the record medium (see column 5 lines 43-56).

As per claim 9, Ryan discloses adding right information to the data for which the encrypting process has been performed in the unit of the data for which the encrypting process has been performed (see column 5 lines 57-65).

As per claim 10, Ryan discloses performing an encrypting process for a plurality of pieces of input data; and performing a signal process for the plurality of pieces of the input data in the unit of data for which the encrypting process has been performed so as to record the processed data to the record medium (see column 5 lines 43-56).

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As per claim 11, Ryan discloses adding right information to a plurality of data for which the encrypting process has been performed in the unit of the data for which the encrypting process has been performed (see column 5 lines 57-65).

As per claims 19-37, Ryan discloses reading right information containing at least information from data that has copyright management been read from a record medium; determining whether or not data that is read from the record medium corresponding to a data read command is capable of being read in the unit of one of a plurality of pieces of the data corresponding to the right information that has been read; and reading the data designated with the data read command from the record medium when the determined result at the determining step represents that the data is capable of being read in the unit of one of the plurality of places of the data (see column 3 lines 32-43, lines 54-67) (where claims 18-37's limitations are similar to claim 19 and are disclosed by Ryan).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at



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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5-7, 12-14 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz as applied to claim 3 above, and further in view of Ryan.

As per claim 5, Linnartz fails to disclose a selection. However, Ryan discloses a selection circuit (see figure 1 number 24). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ryan's selection circuit to Linnartz's copy protection system. Motivation to do so would have been to allow an operator to select a certain mode.

As per claims 6-7, and 12-14, the modified Linnartz and Ryan system discloses the various multiple adding circuits (see Linnartz column 8 lines 25-58) and multiple encryption circuits with a selection circuit (see Ryan figure 1).

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamada et al (US 6490683), Downs et al (US 6574609), Blatter (US 6584275), Tagawa et al (US 6834348), Nakae (US 6857071), and Saito et al (EP 715241) disclose a method of copy protection and Min-Jae (US

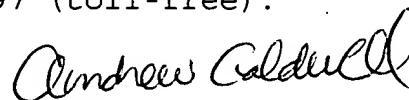
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6222807) discloses the need for multiple circuits for singles and albums.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJP

**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**